

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CASE NO.: 24-14058-CR-MIDDLEBROOKS

DENZIL OLAJUWON STEWART,

Defendant.

_____ /

UNOPPOSED MOTION TO CONTINUE SENTENCING

COMES NOW the Defendant DENZIL OLAJUWON STEWART by and through his undersigned counsel and moves this Court for the entry of an order continuing the sentencing in this matter and in support thereof states as follows:

1. That on February 13, 2025, this Defendant was found guilty by a jury (DE #110) as to Counts 1 and 3 of the superseding indictment. (DE #17) In Count 1 the defendant was convicted of conspiracy to possess with the intent to distribute in excess of 50 grams of methamphetamine. In Count 3 the defendant was convicted of the substantive offense of the substantive crime of possession with the intent to distribute in excess of 50 grams of methamphetamine on December 28, 2023.

The jury found Mr. Stewart not guilty of Counts 2 and four of the superseding indictment. (DE #110)

2. This matter is currently set for sentencing for **Wednesday, April 30, 2025 at 3:00 p.m.** in West Palm Beach before this court. (DE #144)

3. As this court is aware, the undersigned counsel filed his notice of appearance last Friday, April 25, 2025 having been retained as successor counsel of

record. Counsel is mindful of both his duties to the court and his client.

4. However, counsel quickly discovered that there were numerous things that needed to be done to effectively represent the defendant herein some of which were known but had not been filed. In the four days since the undersigned has been formally retained the following has been accomplished on behalf of Mr. Stewart:

- a) Notice of Appearance filed April 25, 2025 (DE #148)
- b) 22-page sentencing memorandum and request for variance filed on April 26, 2025. (DE #155)
- c) Motion to Seal and sealed documents filed on April 27 and 28, 2025. (DE #156, 159)
- d) Obtaining, reviewing, organizing and filing letters from friends and family to this court in support of Mr. Stewart for sentencing; (DE #160)
- e) After reading and reviewing the entire court file and portions of the trial transcript (DE #136, 137) and preparing a very lengthy and complex motion for new trial with numerous exhibits based on newly discovered evidence filed on April 29, 2025. (DE #161)

It is clear that the latter motion is extensive and complex and as set forth in the motion, an evidentiary hearing should be warranted.

5. The undersigned is mindful of the timing of this motion to continue sentencing and this request for continuance which is not being taken lightly. Defense counsel was only very recently retained and while the better practice would be to file the motion for new trial based upon newly discovered evidence earlier, it being filed as expeditiously as possible after the retention of the undersigned.

6. Finally, pursuant to Local Rule 88.9 on April 28, 2025 the undersigned spoke with Assistant United States Attorney Christopher Hudock regarding the filings that were going to be made today as well as the instant motion for continuance, and on behalf of the government, he has no objection to continuing the sentencing in the instant case.

WHEREFORE the defendant DENZIL OLAJUWON STEWART respectfully requests that this court enter an order continuing the sentencing.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was electronically filed with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record this 29th day of April 2025.

Respectfully submitted,

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